

What I Should Know About My Child Living in Foster Care



A Parents' Guide

Department of
Social Services

Child Protection Services



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Why is My Child in Foster Care?

The job of Child Protection Services (CPS) is to make sure your child is safe. Your child is now in foster care because someone contacted Child Protection Services or law enforcement to express concern about you and your child.

A social worker and/or a law enforcement officer visited, asked questions and listened. A decision was made that your child was

not safe in your home. In South Dakota, only law enforcement officers, circuit court judges, tribal judges or an intake officer can remove a child from a home and have that child placed into emergency custody with Child Protection Services.



Child Protection Services believes that you can resolve the problems which led to your child leaving home.

Where is My Child Living?

Your child is now living somewhere else. This is called foster care. The people who are taking care of your child agree to do so only until your child can safely return to your home. Child Protection Services will attempt to place your child in the least restrictive setting within reasonable distance of your home. When placing your child, Child Protection Services will also take into account any special needs he or she may have.

Following are the various types of foster care placements where your child may live.

Foster Home: Your child lives with a family in their home. Because the parents in this family like to take care of children, they applied with Child Protection Services to become foster parents. A social worker visited the home to learn about the family. The parents then received special training in taking care of children who are unable to live with their parents. The parents were approved by Child Protection Services and became licensed by the state of South Dakota.

When your child lives in a foster home, a social worker visits the home to make sure that your child is getting good and safe care. The foster parents receive some monetary reimbursements to help pay for food, clothing and other things your child needs.

Relative Placement (Kinship Care): If you have any relatives who can take care of your child, you need to tell your social worker. Child Protection Services may approve of your child living with the relatives.

Shelter Care Facility: Your child lives with a group of children and is taken care of by people who are trained to take care of children. Shelter care facilities must be licensed. Children can only stay for 30-40 days.

Group Care or Residential Treatment Program: Due to your child's special physical or emotional needs, he/she may live with other children who receive special care. The program must be licensed and will have specific rules to follow.

Placement of Indian Children (Indian Child Welfare Act)

When an Indian child is placed in foster care, a preference shall be given to placing the child with:

A member of the Indian child's extended family.

A foster home licensed, approved or specified by the Indian child's tribe.

An Indian foster home licensed or approved by an authorized non-Indian licensing authority.

An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet an Indian child's needs.

The above placement preference shall be given unless there is good cause not to do so.

Definitions

Extended Family Member: Shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.

Indian: Any person who is a member of an Indian tribe or who is an Alaska Native and a member of a Regional Corporation.

Indian Child: Any unmarried person who is under age 18 and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

Indian Child's Tribe: The Indian tribe in which an Indian child is a member or eligible for membership. In the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe is the tribe with which the child has the most significant contacts.

Indian Custodian: Any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody and control has been transferred by the parent of the child.

What is Juvenile Court?

You will go to juvenile court, not a criminal proceeding, to talk about what is happening with your family. In South Dakota, there are two different court systems. If you reside on a reservation, you will most likely appear in tribal court. You need to contact the prosecutor's office to find out when the emergency custody hearing is scheduled.

If you do not reside on a reservation, you will appear in state court. You need to contact your state's attorney's office to find out when the emergency custody hearing is scheduled. It will be held within two business days of your child leaving your home.

Regardless of which court system you are in, it is important to attend all court hearings because the judge makes the final decisions about where your child lives. The judge will explain your rights within the legal system. The judge needs to know what you have done to make your child's return home possible.

You may also ask about a court-appointed attorney. If the case continues in juvenile court, your child may also be

appointed an attorney. In many areas of South Dakota, there is also a program called Court Appointed Special Advocates. The volunteers are appointed by the judge to observe and make recommendations about your family. If your child remains in foster care or the court retains legal custody, you will have ongoing court hearings scheduled.

Child Protection Services believes that every child deserves a permanent family. The agency will work with you to develop a permanent plan for your child. Child Protection Services believes that no child should be in foster care for more than 12 months and that a permanent plan should be in place within six months of your child leaving your home.

It is important that you know about the **Adoption and Safe Families Act, Public Law 105-89**. This federal law states that the court must have a hearing no later than 12 months from when your child entered foster care. During this hearing, the court must decide on a permanent plan for your child.

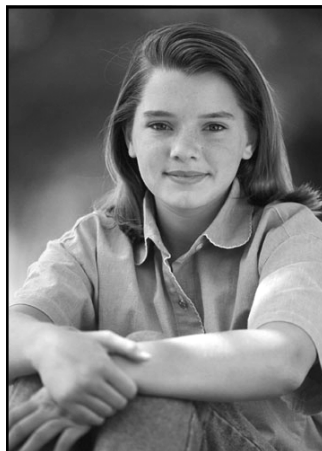
It is very important that you work with your social worker to resolve any problems which are keeping your child from living with you. If your child cannot be returned to your care after 12 months, Child Protection Services must request that the court consider terminating your parental rights. It is important that you understand that Child Protection Services may request termination of your parental rights prior to the 12-month deadline if progress is not being made toward your child returning to your home.



How Can I See My Child?

We believe you want to visit your child and your child wants you to visit. Your child loves and misses you very much. He/she needs to know that you think about him/her even though you cannot have him/her in your home right now. Your child needs to know that this arrangement is not his/her fault. Your child needs to see you and talk with you.

You and your social worker will discuss ways you can talk with your child by letter, telephone calls and visits. Visits may take place at the office, where your child is living or at another place. You and your social worker can talk about which method of visitation is best for you, your child and the people caring for your child. When a date is made for you to visit, your child expects you to come. If you cannot visit, please contact your social worker before the visitation.



Visits are very important for you and your child. For this reason, you are expected not to drink or be under the influence of drugs or to argue, swear or say bad things about the place where your child is living. If this happens, your visit may be ended and future visitations affected (increased level of supervision, change in location, etc). Any concerns you have about your child's foster care should be discussed with your social worker rather than with your child. It is best if you can listen to your child.

When the visit is over, ask your social worker when you can next visit. Some parents tell us it is hard to visit their child, but they also tell us that visiting their child as often as possible helped them when their child returned home.

I Am Still Mom — I Am Still Dad

You are still the parent of your child and you need to continue to be the most important person to your child. You can help your child feel better by telling your social worker about your child. Things you could share include:

Foods your child likes.

Your child's daily schedule and activities.

Health problems your child has.

How your child shows he/she is happy, sad or hungry.

What your child likes to do best.

Pictures of your family and your child's favorite toy will help your child feel less alone.

Parent's Financial Responsibility for Foster Care

You will be contacted by the Department of Social Services Office of Recoveries and Investigations regarding your financial responsibilities for your child while he/she is in foster care. The office will ask questions about your income to determine the amount of money you will have to pay. It is important to fill out these forms quickly and completely. Failure to complete the requested information could mean you have to pay the full amount of money. Contact your social worker if you have questions or need help.

Feelings You May Be Experiencing

This is a very difficult time for you and your family. Many parents feel they have failed as a parent. Many feel worried, guilty, ashamed and most of all sad. You might try not to think about your child being in foster care. You might

feel helpless because you do not know your social worker well or the people who are taking care of your child. Going to work or talking with your friends might be hard for you.

Your child is not living with you and you miss him/her very much. Some parents say it feels like their child has died. One parent stated, “I was in a daze. I was trying to make the best decisions for my child, my family and myself. But it was so hard for me to hear what I was being told. I am feeling better now, but it took me quite awhile.”

Not talking about your feelings will not make them go away. Often, members of your family will understand when you talk with them about your feelings. Your social worker will also talk with you about your feelings.

What Are My Rights?

You continue to have rights as a parent even though your child is not living with you. When you go to court, the judge may discuss some of your rights. The judge makes the final decision about your child and your rights. Some of your rights which may be discussed are:

- Visitation with your child.

- Access to information about your child such as if he/she has been moved to another home or how your child is doing where he/she is living.

- Responses to your concerns.

- Your approval of surgery or serious medical care unless it is an emergency and you could not be reached.

- Knowledge of Child Protection Services' expectations of you before your child will be returned home.

What Must I Do To Have My Child Returned?

We believe parents want to provide good care and make responsible plans for their children. We believe that you can put your family back together. Some of the things you need to do are:

Work toward solving the problems which caused your child to be placed in foster care. Your social worker will help you plan for your child's return home.

Visit your child at the time and place agreed upon by you and your social worker.

Follow the court's orders.

Follow professional recommendations and attend all scheduled appointments such as therapy and chemical dependency evaluations.

Tell your social worker of any important changes in your life such as a change of address, phone number, job, living arrangements or marriage. These changes do make a difference to your family.

Pay for all or some of the costs of your child's care.

How Can My Social Worker Help Me?

It is important to talk with your social worker. Your social worker wants to help you so your child can return home. Your social worker will make recommendations to the court about where your child might live. Your social worker will:

Listen to you about your feelings.

Talk to you about your concerns such as housing, money problems, finding a job, alcohol or drug use, anger, family violence or other problems you are having with family or friends.

Tell you about places you can go to get help.

Visit your child and the people who are taking care of your child.

Tell the people who are caring for your child any concerns you have about the care your child is receiving.

Talk about why your child was not safe in your home.

Talk about what changes need to be made before your child can come home.

Make a written plan with you about the changes that need to be made, what you need to do and what the social worker needs to do to work toward your child coming home.

What If My Child Cannot Return Home?

Children need a permanent home. That means they need the same person to take care of them until they are 18 years old. Child Protection Services wants you to be that permanent home, but children cannot wait forever. It is very important that changes be made in your family so your child can come home as soon as possible.

The **Adoption and Safe Families Act** states that Child Protection Services will request termination of your parental rights if your child is unable to return home within 12 months. Child Protection Services may request termination of your parental rights prior to 12 months if you are not making significant efforts for your child to be able to return home.

If you cannot be a permanent home, you can help Child Protection Services make plans for your child to live with relatives or to be adopted. In some circumstances, foster parents agree to care for a child until they are 18.

Child Protection Services hopes that your child will not have to live with relatives, be adopted or live in foster care until he/she is 18. Child Protection Services hopes your child can live with you.

My Child Is Coming Home

You have worked hard. With the help of your social worker, you have been able to solve some of your problems and the judge has agreed your child can come home.

Remember that it takes time to plan for your child's return home. It is a happy time, yet it is also a hard time. You and your social worker will talk about your child's return home. Your social worker will continue to talk with you after your child is in your home to help you and your child.



You, your social worker and the judge will decide how long you will continue to need services. Please remember that if you have any concerns and the social worker is no longer visiting, you may come to Child Protection Services for help.

Child Protection Services hopes the information in this booklet is helpful to you. Remember to talk to your social worker about any questions.

Important Numbers

My Social Worker _____

Social Worker's Number _____

State's Attorney's Office Number _____

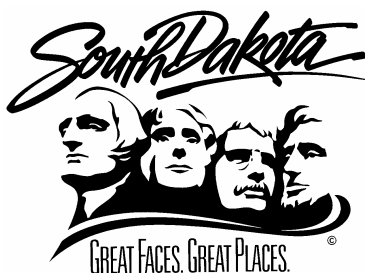
Prosecutor's Office Number (Tribal) _____

Notes

**South Dakota Department of Social Services
Division of Child Protection Services**

700 Governors Drive
Pierre, SD 57501-2291

Web Site: www.state.sd.us/social/cps



DSS Nondiscrimination Policy:

It is the policy of the Department of Social Services (DSS) to make sure that applications for program benefits and services are made available to everyone and that program benefits are granted to all who meet eligibility standards. DSS staff, programs and policies must not discriminate against clients or applicants for services because of race, color, sex, age, disability, religion and national origin. DSS must also provide fair and equal access to all of its programs and services for people with disabilities; this includes both physical access to buildings and access to programs and services. To file a complaint of discrimination write: PMB0141-1, DSS Human Resource Manager, 500 East Capitol Ave., Pierre, SD 57501-5070 or call: (605) 773-6941. If you have a question regarding program services, please contact your nearest DSS office.

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